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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) JP920000471US1	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]		Application Number 10/081,274	Filed 2/21/2002
on _____		First Named Inventor Masumitsu et al.	
Signature _____		Art Unit 2421	Examiner Sumaiya A. Chowdhury
Typed or printed name _____			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>36,597</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>		<p> Signature Kevin M. Mason Typed or printed name 203-255-6560 Telephone number June 28, 2010 Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>			
<p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): Masumitsu et al.
Docket No.: JP920000471US1
Serial No.: 10/081,274
Filing Date: February 21, 2002
Group: 2421
Examiner: Sumaiya A. Chowdhury

Title: Content Digest System, Video Digest System, User Terminal, Video Digest Generation Method, Video Digest Reception Method and Program Therefor

MEMORANDUM IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present invention and prior art have been summarized in Applicants' prior responses.

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The present application was filed on February 21, 2002 with claims 1 through 19. Claims 4 and 7 were cancelled, without prejudice, in a previous response. Claims 1-3, 5, 6, and 8-19 are presently pending in the above-identified patent application. Claims 1-3, 5, 6, and 12-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dudkiewicz (United States Publication No. 2005/0172318) in view of Buehl (United States Publication No. 2002/0104093), Rui (United States Patent No. 7,028,325), and Abecassis (assumed to be United States Patent No. 6,408,128). Claims 8-11 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz in view of Rui. Claim 19 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz and Rui, and further in view of Abecassis.

ARGUMENTSIndependent Claims 1, 5, 8, 12, 14 and 18

Independent claims 1, 5, 12, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz, Buehl, and Rui and further in view of Abecassis, and claims 8 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz in view of Rui. Regarding claim 1, the Examiner asserts that Dudkiewicz discloses wherein the digest server calculates importance levels for the at least one rated content segment based on a probability and based on a current determined content score for the at least one rated content segment, a user profile content score for the at least one rated content segment, or both the current determined content score and the user profile content score, wherein the probability is determined from at least one of a plurality of frequencies, each of the frequencies indicating how often a characteristic value occurs in the content segment (paragraphs [0020]-[0026]; [0149]-[0150]; [0080]; [0082]; and [0091]-[0093]).

Applicants note that Dudkiewicz teaches that “a desirability score for a programming event based on metadata category goodness of fit scores and viewer profile category preference scores.” (Paragraph [0102]; see, also, paragraphs [0104]-[0105].) Applicants also note that Dudkiewicz teaches “confidence scores in a range from 1% to 100%.” (Paragraph [0077].) The cited confidence scores are associated with a list of matched categories; Dudkiewicz does not disclose or suggest frequencies indicating how often a characteristic value occurs in a content segment; does not disclose or suggest importance levels based on a probability, and does not disclose or suggest importance levels based on a probability, wherein the probability is determined from a plurality of frequencies, each of the frequencies indicating how often a characteristic value occurs in a content segment. Applicants note that the present disclosure teaches “each frequency indicating how many times a characteristic value of the meta data appears in the content.” (Page 20, lines 2-3; emphasis added.) Independent claims 1, 5, and 8 variously require *wherein the client includes a user profile having user profile content scores for at least one viewed content segment for a user, and wherein the digest server calculates importance levels for the at least one viewed content segment based on a probability and based on a current determined content score for the at least one viewed content segment, a user profile content score for the at least one viewed content segment, or both the current determined content score and the user profile content score,*

wherein the probability is determined from at least one of a plurality of frequencies, each of the frequencies indicating how often a characteristic value occurs in the content segment.

Thus, Dudkiewicz, Buehl, Rui, and Abecassis, alone or in combination, do not disclose or suggest wherein the client includes a user profile having user profile content scores for at least one viewed content segment for a user, and wherein the digest server calculates importance levels for the at least one viewed content segment based on a probability and based on a current determined content score for the at least one viewed content segment, a user profile content score for the at least one viewed content segment, or both the current determined content score and the user profile content score, wherein the probability is determined from at least one of a plurality of frequencies, each of the frequencies indicating how often a characteristic value occurs in the content segment, as variously required by independent claims 1, 5, 8, 12, 14, and 18.

Dependent Claims 2-4, 6-7, 9-11, 13, 15-17 and 19

Claims 2-4, 6-7, 9-11, 13, 15-17 and 19 are dependent on claims 1, 5, 8, 12, 14, and 18, respectively, and are therefore patentably distinguished over Dudkiewicz, Buehl, Rui, and Abecassis, alone or in combination, because of their dependency from independent claims 1, 5, 8, 12, 14, and 18 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., claims 1-3, 5, 6, and 8-19, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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5 Date: June 28, 2010

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